

enhancing the function of excitable tissue by administering EPO, classified in class 514, subclass 12.

By this amendment, the elected claims 6-18, 23 and 24 have been canceled and replaced with new claims 28-34. The non-elected claims have been canceled, without prejudice to pursue claim to the subject matter of these claims in other applications.

The new claims 28-34 fully supported in the specification as originally filed. For example, support for the new claims can be found as follows:

Claims	Recitation	Support
28 - 34	• recites a method for treating <u>cerebral ischemia</u> .	page 7, lines 17-22; page 19, lines 5-15; page 32, line 16 to page 33, line 13; and Figure 4A-B.
28 - 34	• recites a method for administering erythropoietin <u>peripherally</u> .	page 13, lines 18 -21; page 27, line 6 to page 28, line 26; and page 32, line 16 to page 33, line 13.
28 - 34	• recites a method for administering erythropoietin to a <u>mammal</u> .	page 5, lines 4-6; page 13, lines 18 -21; and page 22, lines 5-23.
29 - 32	• recites a method for administering erythropoietin <u>vascularly</u> .	page 23, lines 25-27.
30	• recites a method for administering erythropoietin <u>intravenously</u> .	page 23, lines 25 to 26.
31	• recites a method for administering erythropoietin <u>for the treatment of stroke</u> .	page 19, lines 9-15 and 24-29.
32	• recites a method for administering erythropoietin <u>at a dosage of 50,000 to 100,000 Units per administration or per day</u> .	page 23, lines 10-20, and 28.
33	• recites a method for administering native erythropoietin, <u>recombinant human or animal</u> erythropoietin.	page 8, lines 32-33; page 9, lines 23-29 and lines 31-34.
34	• recites a method for administering erythropoietin to a <u>human</u> .	page 22, lines 5-6; page 26, line 19-21.

Applicants assert that no new subject matter, as defined in 35 U.S.C. § 132, has been added with the addition of new claims. Claims 28-34, therefore, are now pending. A copy of the pending claims as amended is included herewith as Exhibit B.

With respect to the new claims, the Examiner's attention is invited to WO 00/35475, which has been made of record by the Applicants as reference AR in the Information Disclosure Statement and PTO form 1449 filed November 17, 2000. Applicants note that this reference designates the U.S., but are not aware of the status or the existence of any such U.S. application.

Applicants respectfully request that the foregoing remarks and amendments made herein be entered into the record of the instant application. Please charge the required fee, as estimated on the accompanying amendment fee transmittal sheet, to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

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Laura A. Coruzzi 30,742  
Laura A. Coruzzi (Reg. No.)

By: Eileen E. Falvey 46,097  
Eileen E. Falvey (Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosures